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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,967	11/21/2003	Balaji S. Thenthirupera	2434	4410
28005	7590	09/25/2007		
SPRINT			EXAMINER	
6391 SPRINT PARKWAY			VO, HUYEN X	
KSOPHT0101-Z2100				
OVERLAND PARK, KS 66251-2100			ART UNIT	PAPER NUMBER
			2626	
			MAIL DATE	DELIVERY MODE
			09/25/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/718,967

Applicant(s)

THENTHIRUPERAI, BALAJI S.

Examiner

Huyen X. Vo

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) 9 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1 sheet.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's representative, Mr. Thomas Fairhall, on 9/7/2007. The application has been amended as follows:

Claim 8 has been amended as follows:

8. A method of selecting an acoustic model for a voice command application executing on a voice command platform, comprising the steps of:

providing a plurality of acoustic models;

providing said voice command application with a Voice Extensible Markup Language (VXML) root document having metadata commands for specifying a particular acoustic model from said plurality of acoustic models; and

selecting said specified particular acoustic model for use by said voice command application.

***Election/Restrictions***

2. Newly submitted claim 9 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the claim is directed toward the step of parsing an HTTP header rather than analyzing the VXML to extract data specifying an acoustic model.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 9 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhou (US 7222074).

5. Regarding claim 1, Zhou discloses that in a voice command platform hosting a plurality of voice command applications, said voice command platform supporting a plurality of acoustic models, for use with the plurality of voice command applications, comprising: providing a machine readable storage medium in the voice command

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platform storing instructions comprising a voice command application hosted by the voice command platform, said instructions including instructions selecting a particular acoustic model from said plurality of acoustic models for use by the application (*the operation of figure 2, the processor of the system inherently includes instructions to select appropriate acoustic model(s) for use by the speech recognizer a particular psychological state of the user is determined. So, in any situation, the processor of the system instructs the recognizer which acoustic model to use*).

6. Regarding claim 3, Zhou further discloses the improvement of claim 1, wherein said instructions prompt an interactive selection of the particular acoustic model is selected interactively during execution of the application (*the operation of figure 2*).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zhou (US 7222074) in view of Thomas et al. (US 7171361).

9. Regarding claim 2, Zhou fails to specifically disclose the improvement of claim 1, wherein the instructions comprise instructions in the form of a VXML metadata element,

and wherein the instructions placed in an HTTP header. However, Thomas et al. teach that the instructions are in the form of a VXML metadata element (*col. 5, line 1 to col. 6, line 67, VoiceXML tags indicate location of grammars, which are equivalent as speech models*), and are placed in an HTTP header (*col. 6, line 55-60*).

Since Zhou and Thomas et al. are analogous art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Zhou by incorporating the teaching of Thomas et al. in order to improve speech recognition accuracy.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zhou (US 7222074) in view of Kuroiwa et al. (US 5960063).

11. Regarding claim 5, Zhou fails to specifically disclose Kuroiwa et al. disclose the improvement of claim 1, wherein said instructions select an acoustic model based on an area code and/or local exchange number of a user accessing said application. However, Kuroiwa et al. teach that said instructions select an acoustic model based on an area code and/or local exchange number of a user accessing said application (*figure 1 or referring to col. 2, line 26 to col. 3, line 10*).

Since Zhou and Kuroiwa et al. are analogous art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Zhou by incorporating the teaching of Kuroiwa et al. in order to improve speech recognition accuracy.

***Allowable Subject Matter***

12. Claim 8 is allowed over prior art of record.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen X. Vo whose telephone number is 571-272-7631. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HXV

9/7/2007

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